IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

AND
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 22035 of 2004

Between:

The Government of Andhra Pradesh,

Rep. by its Principal Secretary to Government,
YAT &C Department, Secretariat, Hyderabad.

..... PETITIONER

AND

Sri N. Parameswara Ram S/o. N. Narayana Murthy,
R/o. 502, KLN Enclave, Nagarjuna Nagar,

Srinagar Colony, Ameerpet, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ or proceedings more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records pertaining to the Judgment passed In O.A.No.7320/2002 on the file of the A.P.A.T Hyderabad, Dated 29-04-2003 and quash that part of the Judgment where under directions were given to pay salary arrears to the petitioner upto 18-02-2000 and subsistence allowance to the Respondent from 19-02-2000 to 11-09-2000.

Counsel for the Petitioner: GP FOR SERVICES II

The Court made the following

ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

This Writ Petition is filed by the petitioner against the order, dated 29-04-2003, passed by the learned Administrative Tribunal, whereunder, while upholding the termination order dated
11-09-2002, the Tribunal directed the authorities to pay subsistence allowance from 19-02-2000 to 11-09-2000. The said order came to be challenged before this Court.

2. The learned Government Pleader, however, submits that the question of payment of subsistence allowance does not arise as the respondent was a contract employee, and therefore, the order is liable to be set aside.

3. We are afraid, we cannot accept the said contention. When once the employee is placed under suspension, though the employee was appointed on contract basis, the employer is under obligation to pay the subsistence allowance. Thus, we do not find any illegality or irregularity in the order passed by the learned Administrative Tribunal.

4. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY, J

B.SESHASAYANA REDDY, J

1st December, 2004.

Tsy/rns

To

1. The Principal Secretary to Government of A.P. YAT

& C Department, Secretariat, Hyderabad.

2. Two CCs to the G.P. for Services, High Court of A.P.,

Hyderabad (O.U.T.)

3. Two CD Copies.